

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PASHA ANWAR, et al.,	X	
)	
)	
Plaintiffs,)	
)	
v.)	
)	Master File No. 09-CV-118 (<u>Calvo</u>)
FAIRFIELD GREENWICH LIMITED, et al.,)	
)	
Defendants.)	
)	
This Document Relates To: <i>Standard Chartered Bank</i>)	
<i>International (Americas) Limited, et al. v. Miguel Calvo,</i>)	
<i>et al., No 10-CV-4684</i>)	
	X	

DECLARATION OF PATRICK B. BERARDUCCI

I, PATRICK B. BERARDUCCI, make this declaration pursuant to
28 U.S.C. § 1746. I hereby state as follows:

1. I am an attorney associated with the law firm of Sullivan & Cromwell LLP, counsel for Standard Chartered Bank International (Americas) Ltd. (“SCBI”) and StanChart Securities International, Inc. (“StanChart”) (collectively “Standard Chartered”) in the above-captioned actions, and am admitted to practice before this Court. I am fully familiar with the matters stated herein based on personal knowledge or review of files in the possession of my firm.

2. I make this declaration in support of Standard Chartered’s Memorandum of Law in Support of their Application for a Temporary Restraining Order and Motion for a Preliminary Injunction in connection with the pending arbitration proceeding before the American Arbitration Association (“AAA”), captioned *Miguel*

Calvo, et al., v. Standard Chartered Bank, et al., ICDR No. 50 148 T 00508 09 (the “*Calvo* arbitration”).

3. Attached as Exhibit A is a true and correct copy of a Subscription Agreement for Fairfield Sentry Limited shares executed by one of the Defendants.

4. Attached as Exhibit B is a true and correct copy of a signed brokerage agreement (the “SCBI Brokerage Agreement”) for one of the Defendants’ accounts.

5. Attached as Exhibit C is a true and correct copy of a signed Nondiscretionary Investment Services Agreement (the “NISA”) for one of the Defendants’ accounts.

6. Attached as Exhibit D is a true and correct copy of the Declaration of Vivian Velazquez, executed on February 22, 2010, which Standard Chartered attached to its brief on threshold jurisdictional issues in the *Calvo* arbitration, filed with the Tribunal on February 23, 2010.

7. Attached as Exhibit E is a true and correct copy of the Declaration of Steven Glover, executed on February 23, 2010, which Standard Chartered attached to its brief on threshold jurisdictional issues in the *Calvo* arbitration, filed with the Tribunal on February 23, 2010.

8. Attached as Exhibit F is a true and correct copy of the October 1, 2008 letter, which was attached as exhibit 1 to the aforementioned Declaration of Steven Glover.

9. Attached as Exhibit G is a true and correct copy of the StanChart Brokerage Agreement, which was attached as exhibit 2 to the aforementioned Declaration of Steven Glover.

10. Attached as Exhibit H is a true and correct copy of the March 1, 2009 letter, which was attached as exhibit 3 to the aforementioned Declaration of Steven Glover.

11. Attached as Exhibit I is a true and correct copy of the Statement of Claim that Defendants in this action (claimants in the *Calvo* arbitration) filed with the American Arbitration Association (“AAA”) on September 17, 2009.

12. Attached as Exhibit J is a true and correct copy of the document requests served by Defendants (claimants in the *Calvo* arbitration) on Standard Chartered on November 25, 2009.

13. Attached as Exhibit K is a true and correct copy of the Prehearing Order No. 4, issued by the Tribunal on June 23, 2010.

14. Attached as Exhibit L is a true and correct copy of the letter dated October 20, 2009, sent by Standard Chartered to the case manager at the International Centre for Dispute Resolution (“ICDR”). The case manager informed Standard Chartered that the Tribunal would hear Standard Chartered’s objections after the Tribunal was appointed.

15. Attached as Exhibit M is a true and correct copy of the Tribunal’s partial award, issued on June 1, 2010.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Patrick B. Berarducci
Patrick B. Berarducci

July 14, 2010
New York, New York